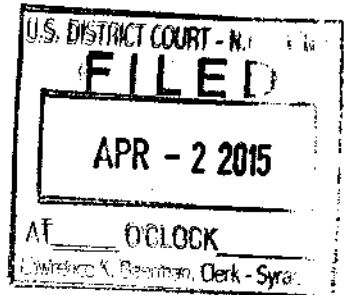


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK



JAVELL FOX

Plaintiff(s)

vs.
Superintendent Lee

Commissioner ANUCCI

et al

Defendant(s)

INMATE
CIVIL
RIGHTS
COMPLAINT
PURSUANT TO
42 U.S.C. § 1983

Civil Case No.: 9: 15 -CV- 390

Plaintiff demand a trial by jury

Plaintiff(s) in the above-captioned action, allege(s) as follows:

JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

PARTIES

2. Plaintiff: Javell Fox
Address: Eastern NY Correctional Facility
P.O Box 338 Institution Road
Napanoch NY 12458

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: LT Madison
Official Position: Lieutenant
Address: Eastern NY Correctional Facility
P.O Box 338 Institution Road
Napanoch N.Y 12458

b sgt Bey

correction sergeant

EASTERN NY correctional facility

PO BOX 338 Institution Road

Napanoch N.Y 12458

c officer KOZAK

correction officer

EASTERN NY correctional facility

d. Defendant. officer Waugh

Official Position. correction officer

Address. EASTERN NY Correctional Facility
P.O BOX 338 Institution Road
Napanoch NY 12458

e. Defendant. SGT Connor

Official Position. correction sergeant

Address. P.O BOX 338 Institution Road
EASTERN NY Correctional Facility
Napanoch NY 12458

f. Defendant Captain Webb

Official Position correction captain

Address P.O BOX 338 Institution Road
EASTERN NY Correctional Facility
Napanoch NY 12458

g. Defendant DeP Russo
correction Deputy Superintendant security

Official Position correction Deputy Superintendant security

Address EASTERN NY Correctional Facility
P.O BOX 338 Institution Road
Napanoch NY 12458

H. Defendant Superintendent Lee
Official Position, correction superintendent
Address Eastern NY Correctional Facility
P.O Box 338 Institution Road
Napanoch N.Y 12458

I. Lieutenant Simmons
Corrections Lieutenant
Eastern NY Correctional Facility
P.O Box 338, Institution Road
Napanoch N.Y 12458

J. Deputy Administration Wendland
Correction Deputy Superintendent Administration
Eastern NY Correctional Facility
P.O Box 338 Institution Road
Napanoch NY 12458

K. Officer Miller
Correction Officer
Eastern NY Correctional Facility
P.O Box 338, Institution Road
Napanoch NY 12458

L. Deputy Calgo
Correction Deputy Superintendent Programs
Eastern N.Y Correctional Facility
P.O Box 338, Institution Road
Napanoch N.Y 12458

M. E. Jennings

Correction Steward
Eastern NY Correctional Facility
P.O. Box 338, Institution Road
Napavoch N.Y. 12458

N. Diane Labatte

Correction Steward
Eastern NY Correctional Facility
P.O. Box 338, Institution Road
Napavoch N.Y. 12458

O Governor Andrew Cuomo
New York State Governor
Executive Chamber
State Capitol
Albany NY 12224

P Anthony Anucci

Department of Corr and Comm Supv Commissioner
1220 Washington Ave., Bldg 2
Albany N.Y. 12226

Q Officer Henry

Correction Officer
Eastern NY Correctional Facility
P.O. Box 338, Institution Road
Napavoch NY 12458

R. sergeant lifield

correction sergeant

Eastern NY Correctional Facility

P.O Box 338 Institution Road

Napanoch N.Y 12458

S. officer schadel

correction officer

Eastern NY Correctional Facility

P.O Box 338, Institution Road

Napanoch N.Y 12458

T. sergeant Bradley

correction sergeant

Eastern NY Correctional Facility

P.O Box 338, Institution Road

Napanoch N.Y 12458

V. officer Williamson

correction officer

Eastern NY Correctional Facility

P.O Box 338, Institution Road

Napanoch N.Y 12458

V. officer S. Cruz

correction officer

Eastern N.Y Correctional Facility

P.O Box 338 Institution Road

Napanoch N.Y 12458

W. Lt Sullivan

correction lieutenant

Eastern NY Correctional Facility

P.O. Box 338, Institution Road

Napanoch N.Y 12458

X Sgt Vanacore

correction sergeant

Eastern NY Correctional Facility

P.O. Box 338, Institution Road

Napanoch N.Y 12458

Y Sergeant Barg

correction sergeant

Eastern N.Y. Correctional Facility

P.O. Box 338, Institution Road

Napanoch N.Y 12458

FACTS

on or around November 7 2014 Lt Madison
told Plaintiff to cut his hair because it is
shaved on the sides and dreadlocked on top.
Plaintiff refused to cut his hair because his
hairstyle has religious significance which
is protected under the Religious Land use and
institutionalized Persons Act, First and
Fourteenth Amendments to the U.S constitution
and correction law section 112 states that
no rules or regulations shall conflict with
said amendments. Plaintiff was written a mis-
behavior report by officer Szekred who was directed
to do so by Lt Madison. on the report plaintiff
was charged with refusing direct order to
cut hair or change hair. on or around November
11, 2014 Plaintiff was found Not guilty by Lt
Simmons who was the hearing officer and

Lt Simmons found Plaintiff to be in his
constitutional rights to have his religious
hairstyle. on November 29, 2015 Lt Madison
complained to officer cruz about the decision
Hearing officer Lt Simmons made in favor of
Plaintiff and in upholding Plaintiffs right to religion.
officer cruz stated that when he see me he's
gonna write me a misbehavior report for the
same thing. on December 7, 2014 Plaintiff was
going in the Messhall to eat lunch At 11:00 am.
When Plaintiff came out he saw officer cruz,
which officer cruz was suppose to be on the
other side of the jail because the House of
inmates he was supervising had already left
the Messhall so officer cruz abandoned his
Post just to assure that Plaintiff was
Punished to satisfy Lt Madisons oppressive

Policies, since officer cruz knew that he was
not on Post he directed officer williamson
and officer WAUGH to frisk plaintiff, as
plaintiff was coming out of the messhall
officer cruz pointed Plaintiff out to said
officers. officer williamson directed Plaintiff
to get against the wall, Plaintiff was then
Pat frisked and strip frisked, plaintiff was
told to remove his religious headwear and
his locks was searched. plaintiff was instructed
to go and return to his housing unit and
cell location. once Plaintiff was at his cell
location 5 minutes later officer williamson
arrive to Plaintiffs cell for A cell search. he
asked Plaintiff did Plaintiff know why he was
there, Plaintiff said no, officer williamson

Stated I'm here to search your cell
because of your HAIR. I was written
A Misbehavior report after the cell search
by Officer WAUGH for Altered Pants and
again for My Hair, refusing direct order
to cut my hair, at the hearing I was
found not guilty of refusing direct order to
cut my hair by Lt Simmons hearing officer,
Lt Simmons continued to uphold my right to
religion, however because he had to satisfy
his obligation to his peers feelings and
urge to see me punished I was found guilty
for Altered pants and given 30 days loss of
privileges, and 30 days keep locked in cell confine-
ment which was also illegal pursuant to
Direct 3801 of correction Policies. a inmate
can not get a Misbehavior report for

For Altered or damaged Property unless
Property exceed 100.00⁰⁰ and inmate refuses
to pay restitution, Plaintiff did not refuse
to pay restitution for Altered state pants
and Altered pants did not exceed \$100.00
therefore Misbehavior report for Altered pants
was malicious and violated correction Directive
3801. I wrote a Grievance about the total
Affirmentioned and Grievance was titled as
Harassment, I was also sent to receive a
urine test because of the outcome of the
hearing which was stated that my hair
was in compliance according to constitu-
tion Freedom of religion and Directive
correctional policies, captain webbe was
Designated by the superintendant to inves-
tigate the Harassment by officers and
Lieutenant, captain webbe immediately cover
up Lieutenant and officers misconduct.

he failed to discipline officers or investigate into officers abandoning post, conspiring with Lieutenant, frisking plaintiff, strip frisking plaintiff, frisking plaintiffs cell, and urine testing plaintiff because plaintiff was given a favorable decision and plaintiffs rights was upheld to exercise his religion by hearing officer. Captain webbe stated there was no official misconduct and Sgt Connor gave officers permission to frisk, strip frisk plaintiff and search plaintiffs cell according to Captain webbe, when in fact Sgt Connor was not around and officers took it upon they self to violate plaintiffs rights. Plaintiff then wrote a grievance on Captain webbe for covering up official misconduct, the Superintendent designated Deputy Russo to investigate. Deputy Russo also covered up for Lt, officers and Captain. He failed to discipline or investigate Lt and officer conspiring to infringe on plaintiffs right to religion by plaintiff being frisked, strip frisked, cell frisked and urine tested because of favorable decision by Hearing officer in regard to upholding plaintiffs

Right to religion. Plaintiff wrote a grievance
on Dep russo for the Affirmation. the super-
intendant then Made a Decision, while
Plaintiff was awaiting release for the
30 day keeplock plaintiff fall from the
top of the Bars where he was forced to
climb up and get his food trays because
officers refused to unlock his cell so
he could retrieve his trays like a human
being. the Superintendent also covered up
all parties misconduct of Frisking,
Strip Frisking, cell frisking and urine
testing plaintiff with out no reason that
concerned safety or security, plaintiff
Appealed, Grievance supervisor refused to
forward plaintiffs Grievances to Administration
in the Highest channel, and when plaintiff
Attempted to forward it his self the Mail
clerks Discarded the Mail so plaintiff was
blocked. Plaintiff walked with a cane for
1 months and a half because of Harassment
and retaliation and is mentally and Emotionally
anguished.

I was confined to a cell that I had to climb up cell bars to get my food. I had to slide it on the top of the ceiling where I was called Monkey, dust and paint chips were constantly in my food, that I had to eat or face starvation. There is no feed up slots built into the bars at this Prison, so I was subjected to inhumane treatment.

On December 23, 2014 I ended up falling while climbing to get my food up the bars. I had to be carried to get medical attention, I was given a shot in my buttock in order to walk. I was hospitalized for 3 days, and it was determined that I damaged my lower back, I was given a cane to walk with for 6 weeks.

I was released from the medical unit and placed on the other side of the Block on the Flats, I was interviewed by T. Mauro about the grievance I filed about me being in a cell that I can't receive food. I was again confined under the same circumstances, officers took thirty minutes daily to open the door in order for me to get my food trays now, since I tell the policies implemented to prevent future accidents was for officers to open the cells to give us prisoners on confinement our food.

I was then moved to a different cell, (2 cell) in the same housing unit, this cell had a feed up slot. I was moved because I wrote a grievance about the officers taking so long to open up the doors to bring the food, the one officer said I should be lucky they don't make me climb no more.

In the middle of January I wrote a grievance after being subjected to nearly two weeks of cold weather. Civilians were fixing the windows, and in the process

it was ~~roles in the window~~ where they did not cover and freezing cold Air was coming through, they gave me nor any other inmate any blankets for additional warmth and there was no heat on. I was forced to wear the same pants for 30 days, I was denied the right to clean my cell or receive cleaning material, or get laundry done

Because of my grievance they turned the heat on, after they did so, in retaliation for my grievances I was moved, I was denied a phone call by officer Henry and Sgt Hfield without having a Hearing officer take my phone privileges, also out of retaliation for grievances,

On January 26, 2015 I was moved to west wing out of retaliation, they call that the dump off spot. Soon as I got there officer Cruz began to harass me, he dragged my property ~~with~~ ⁱⁿ my blanket on the dirty floor (this prison dont give us anything to pack our property in, they make us use our blankets) he threw my property in my cell and told me to get the fuck in there. I locked in and wrote a grievance. On January 27, 2015 I had a call out to see mental health counselor. I came out with my cane, officer Cruz began to frisk me aggressively. he escorted me to my call out, when I was done, he took me to ~~an~~ a secluded area and frisked me in a sexual way, he began to go up my testicles and penis as he searched me, he pulled on my legs in a way to seem as if He was being kinky and a dominatrix.

I wrote a complaint to the Superintendent about the sexual Harassment, he sent the sergeant, ~~an~~ the sergeant name is Corcleri, he came to see me and told me that if this was 1998 when he first started working he would drag me out of my cell and beat me because I keep writing Grievances

In the complaint I asked to move from around officer cruz. On February 2, 2015 I was moved upstairs, officer cruz also controls that unit, because its all together. On January 30, 2015 I was written a Frivolous Misbehavior report out of retaliation for the Sexual Harassment Grievance. the charges from the misbehavior report written by officer kozak was dismissed on February 12, 2015. on February 12, 2015 because I wrote a grievance on officer cruz for sexual conduct he escorted me to the hearing, on this day he told me to get against the wall, he pull the back of my pants down after he carressed my thighs, he grinded his penis against my buttocks, groped my penis and testicle and then said "I forgot, ... your pussy hurt."

I wrote a grievance about this issue and asked the superintendant to move me. as officer cruz was maliciously sexual molesting me he was also drunk, intoxicated from liquor or beer, I let the superintendant know this, and I requested to be moved, I saw him I asked him if he could move me he said no. he made me stay around a officer that violated me because I wrote a grievance against the superintendant, so now hes retaliating against me. officer cruz continued to be perverted, he opened my door while I was naked letting another prisoner see me, officer cruz peeks in my cell all the time

For no penological reason, I went to see Lt Madison of the 13th day of March. (they waited a whole month to speak to me about this serious issue all in retaliation, because I wrote grievances) instead of him being concerned about my safety and security, he took the opportunity to write me a grievance, or rather ~~sen~~ commission Sgt Vandacore to write me a misbehavior report for my hair style that is my religious practice. Officer Cruz had wrote me a misbehavior report also for my hairstyle on March 6, 2015, they are writing me misbehavior reports for refusing to cut hair which is a clear violation of my civil and constitutional rights.

I went to finish the hearing for those misbehavior reports, I was found not guilty for for untidy and clean hair and refusing to cut my hair, my hair is always tidy and clean, and the same Hearing officer that found me not guilty and stated my hair was in compliance and upheld my civil rights. I explained to him that this is retaliation misbehavior reports because I wrote grievances on every ranking official, I also told him that Lt Madison had frisked me and stripped frisk me after I had been frisked already. Lt Simmons told me that his supervisors told him to find me guilty, he also found me guilty on December 12, 2014 for Altered state property, when the Directive 3081 directs him not to, also because

his supervisor told him too. this type of torture has been done to me repeatedly, I don't get no fair and impartial hearings and my constitutional rights is constantly violated, the Superintendent covers up Grievance complaints against officials, Grievance supervisor covers up Grievance complaints against officials, the mailroom civilian throw out mail to assure that no one above the Superintendent will find out about the atrocity of this prison. Captain Webbe sent Sgt Bey to threatening me to cut my hair or receive the highest tier level offense, two weeks later I was written a tier III for refusing to cut my hair while I was still on confinement and confined in my cell. Lt Sullivan ~~write~~ Reviewed the ticket and made it a tier III in violation of Directive on inmate behavior, stating that the highest tier level is for violent and drug offenses, this is clear abuse, the Dep of security and Captain Webbe conspired with Lt Sullivan and Superintendent and Deputy Russo have a personal relationship so he backs him up, the Superintendent brought Dep Russo to Eastern with him from Greenhaven. at the tier III hearing that was held by Dep Wendland, I was found guilty, she lied and said that my hair was Braided and in locks, which my witness a civilian coun- seior (who just so happen to have locks)

testified to my hair being in locks. I made Dep Wendland aware that my hairstyle was apart of my religion, and does not violate the safety security or order of the facility, therefore me being constantly Harassed and Confined for my Hairstyle is infringing on my religious belief. Dep Wendland went out of her way to call witnesses against me, and she asked my witness was she a beautician and her witness the Author who also made false statements about how my hair was even though I was in my cell locked in, and should never had been given a misbehavior report to begin with) she never asked him if he was a beautician. out of retaliation from me writing grievances she found me guilty of refusing to cut my hair after ~~cap~~ to her witness the Author Sgt bey told her that captain webbe sent him to threaten me, which was inappropriate because he was removed off the investigation, and the Superintendent Designated Dep Russo to investigate. so instead of her following rules, which states I can have my hair any way I want in my cell, even if my hair was braid over my locks, which it wasn't, she chose to use the hearing as a platform to retaliate against me for writing grievances against the Superintendent and her subordinates.

I was constantly denied a phone call, so that I couldn't contact my family, and stress the urgency of their support and energy into calling the governor or any agency that could help me seize this abuse. On March 6, 2015 I was given my phone privileges, on March 11, 2015 I was suppose to receive a phone call I was denied by Sgt Bradley and C.O Schader. I explained that my pre process rights is being violated, she stated that the sergeant said to keep me away the phones per his supervisors.

On March 25, 2015 Officer Cruz again came to harass me, he came to my cell looked in and told me to be good. Stop talking or im gonna be silenced. In fear I asked to speak to a sergeant. I was let out to go to recreation, Officer Cruz asked to frisk me, I refused to be frisked by him, because I'm not gonna stand for him to touch my private areas no more. he was not running rec escorts and therefore he should not have even asked to frisk me. but because I asked officer Green Jr to call the sergeant and explained why, officer Green Jr told officer Cruz, and it ticked him off, I was lucky another inmate was standing with me, which made officer Cruz not do anything because of a potential witness. his intentions was to get me on the wall, say I came off and

then beat me. on the same day officer Cruz put a inmate on the wall that complained about him, said he came off and beat him.

I have been through torture at this Prison, the Dep of program, Diane Labette and Jennings refuse to give me copies. I'm indigent, I have been requested copies for 5 months and they never give it to me, I have missed 3 deadlines because of this denial, I have very little access to the court with out copies. this Prison is a nightmare,

The Commissioner Anthony J Anucci, Deputy Commissioner Vernon J Fonda is failing to train and or supervise his subordinates at Eastern NY correctional facility they was made aware of the aforesaid abuse that I went through and they did nothing to ascertain my safety or security, the Governor Andrew Cuomo failed to check on the living establishment of me and fellow inmates at Eastern NY correctional facility, he is the responsible agent to make sure that its feed up slots by funding the Commissioner to have the bars repaired to assure the safety of me and prisoners, but because of this neglect I am suffering from a back injury that left me dependant on a cane, migraine headaches, and seizures because I fell climbing up the bars to get food in order to prevent starvation.

On November 27, 2015, Officer [redacted] and asked me if I wanted Recreation, I stated yes. at 9:30 AM I was let out my cell to be escorted by the Recreation Officer. as I was going downstairs officer cruz told me to get on the wall, I refused to get on the wall and let him frisk me, I let the recreation officer know that officer cruz had sexually touched me on two occasions and I was not gonna let him frisk me, also, it was Not his duty or post to run recreation so if im going to recreation he has no reason to want to frisk me. officer cruz told me to get the fuck on the wall, the officer that was there told me to just get on the wall, so it wont be A incident. officer cruz then began to pull my pants up into the crack of my buttocks, kick my feet, rub his hands up my penis and then banged my head on the wall. he then sent me back to my cell and denied me recreation. he came to my cell and told me I'm a pussy and that he cant wait to I go to another Jail so that he could get me stabbed the fuck up.

I was called for a tier hearing at 10:20 AM, Held by Lt Simmons. I was called there to answer A report written by Sergeant Vanacore by order of Lt Madison. the report stated I refused to cut my hair. My hair is my religious practice. Lt Simon upheld my rights on 2 other occasions, and the last two times he stated he had to find me guilty because his supervisor told him too, so I would be sent out of the Jail, if I get more than 60-120 day of keep, the Superintendant would request to the Commissioner that I be moved from the prison. so this is they plan. further retaliatory tactics for my using the Grievance system. once

the hearing was done. I was asked by lieutenant Simmons why did I have a knot on my forehead. I explained to lieutenant Simmons that officer Cruz had sexually harassed me and have done so on two prior occasions, I told him that officer Cruz had banged my head into the wall. he called his supervisor and told his supervisor what happened. Lt Simmons told me no to write a grievance, the grievances don't work, the more I write the more I set my self into trouble, he's gonna move me from the unit where officer Cruz is.

at 1:30^{PM} I was moved. I had a migraine headache as I normally do because of the stress of being retaliated against by officers and every rank in the facility. However on this day my heart was hurting. at 2:30^{PM} I finish unpacking my property, I was feel nauseous, and weak, I layed down, at 10:50^{PM} my chest felt like it was burning and my heart was gonna explode. I dont smoke, I Dont use drugs, I dont eat meat, I'm A vegan, I exercise, I dont have sugar diabetes or High blood pressure. the Nurse said that because of all of the pressure I almost suffered a mild heart attack, the stress of these prison officials is killing me.

FIRST CAUSE OF ACTION

I was confined to a cell, that was not built to confine keeplocked inmates. the cell did not have a feed up slot, so that treys could be given to me, instead I was forced to climb up bars and slide my food tray, while my food was exposed, through a 3 inch by 10 inch wide slot, which caused the top of the open tray to slide across the ceiling, leaving dust and paint chips in my food, either I eat it or starve. on December 23, 2014 I ended up falling, while climbing to get my food tray up the bars, I injured my back, I have migraine headaches and seizures because of the fall, and had to walk with a cane for 6 weeks, officers call me a monkey when I climb. I was exposed to dangerous and overly restrictive conditions which is a violation of my eight Amendment to the United States Constitution, cruel and unusual punishment and my universal Declaration of Human rights Article 5, no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, Deliberate indifference Wilson v. Seiter, 501 U.S. 294 (1991) Farmer v. Brennan, 511 U.S. 825 (1994)

SECOND CAUSE OF ACTION

on December 26, 2014 I was moved to the lower level of the Housing unit (because I had a cane), so I wouldn't have to take the steps. Since I fell from climbing to get my food treys, officers were directed to open up my cell, to give me my food, officers purposely took 30 minutes to open up my cell, and served me cold food every day, all of my pants were taken, and I was forced to wear the same pants for **60 days**. I was denied the right to clean my cell or receive cleaning material, and I was denied the right to do my laundry, in retaliation for me using the grievance process. I was denied a basic human need, sanitation, I was also degraded

which is a violation of my eighth Amendment right to the United States Constitution, cruel and unusual punishment and my universal Declaration of human rights Article 5, No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, during zero below temperatures in January, there was big holes in window and no heat on, it was freezing cold inside of my cell, for almost two weeks this lasted, I was given no extra clothing or bedding to keep warm, this is also cruel and unusual punishment and denied a basic human need - shelter, this is also a violation of my Human rights *Gaston v Coughlin*, 249 F.3d 156 (2d Cir. 2001) all of these conditions add up to create an overall effect that is unconstitutional, *Palmer v Johnson* 193 F.3d 346 (5th Cir 1999)

THIRD CAUSE OF ACTION

on January 7, 2015 I was entitled to a once a week phone call because my privileges were reinstated on January 5, 2015. I was denied a phone call and all phone privileges by officer Henry and Sgt Cliffield without no hearing, I was denied telephone access for no reason related to legitimate security concerns which is unreasonable *McMaster v. Pung*, 984 F.2d 948, 953 (8th Cir. 1993), only in retaliation for me using the grievance process, on March 6, 2015 I was denied another telephone call by Sgt Bradley and correction officer Schaefer, Sgt Bradley stated that I could not use the phone per his supervisors because of grievances. at this time I had not spoken to my family in 3 months. my telephone privileges could be revoked at a hearing under the procedural due process clause but at this time I had my privileges restored, this is unconstitutional

FOURTH CAUSE OF ACTION

out of further retaliation because of grievances I wrote, I was moved to a unit called west wing, they call this the dump off, an officer that I wrote two harassment complaints on works that unit, I was moved there on January 26, 2015. on January 27, 2015 he subjected me to a frisk where he rubbed on my penis and testicles in a kinky manner and pulled my legs back in a Dominatrix way, I was walking with a cane and officer cruz clearly took advantage of me. I wrote a grievance about this situation, and I wrote to the superintendent and requested to be moved from the unit where officer cruz was on, because of aforesaid violation, nothing was done, I was left to suffer on the unit, as a matter of fact I was sent upstairs where officer cruz spends a lot of time at, so I was constantly harassed by officer cruz, he opened a door to my cell while I was naked so other prisoners could see me and he constantly peeked in my cell and watched me, at times when there was no penological purpose. on February 12, 2015 officer cruz told me to get on the wall and as I did so, he started going up my leg and he caressed my thigh each one, he then pulled the back of my pants down and grinded his penis on my buttocks, then groped my penis and testicles, he was also intoxicated from alcohol and I have a witness that wrote a statement to this fact. I wrote a grievance about the situation, I requested to be moved from west wing unit, where officer cruz works and I was again left to be around someone who violated my manhood on several occasions.

I made the Superintendant aware and he did nothing. He came to see officer Cruz, and he stopped at my cell and said for me to drop the grievance, he refused to help me because I wrote a grievance against him, so letting me suffer was a way for him to retaliate against me, by leaving me around an officer that's a predator, which violates the Superintendant's Employee rules of zero tolerance for sexual harassment and sexual assault of any kind, which is also a crime. Sgt Barg, Sgt Vanacore, Lt Madison and Sgt Corcleri was aware of the abuse I was receiving by officer Cruz, he also has an extensive complaint history of abusing and violating inmates, and none of these officers cared for my safety, because of me writing grievances I was denied safety and security. On Tuesday March 24, 2013 officer Cruz told me to get on the wall, I refused to because of him sexually harassing me, I was denied recreation, officer Cruz had no reason to want to frisk me because he was not the escort officer, he was upset because I told officer Green Jr that I wanted to see a sergeant because that morning officer Cruz was threatening me. That morning he was attempting to sexual harass me while I was on the wall, then beat me, by saying I came off the wall, instead he did this to another inmate later on that day, he also made sexual comments stating that he forgot my pussy hurt during his unlawful frisk of me in a sexual manner, sexual touching is not apart of the penalty that criminal offenders pay for their offenses against society quoting Farmer v Brennan 511 U.S. 825, 834, 114 S.Ct 1970, 1977, 128 L.Ed 2d 811 823. although security concerns

sometimes trump privacy interests, these sexual actions is no justification for invasion of my privacy and vulgar sexual remarks. Any bodily contact between me a prison official must be lawful, stating that a inmate has a constitutional right to be secure in bodily integrity, any sexual conduct between a prison employee and a prisoner is illegal, prison employees are criminally liable for sexual misconduct and in turn this is cruel and unusual punishment. *Women Prisoners v. District of Columbia* 877 F. Supp 634, 665 (D.C. 1994) I am seeking medical care for emotional and psychological trouble behind the sexual harassment incidents. I have dream about officer Cruz which turn into nightmares, I cant concentrate and I'm always full of fear and anxiety.

FIFTH CAUSE OF ACTION

On January 30, 2015 officer Kozak wrote me a frivolous misbehavior report full of false charges because I wrote grievances on his peer(s), I was found not guilty at a hearing on February 12, 2015, held by Lieutenant Simmons. Dep Wendland held a hearing that ended on January 16 2015, she gave 60 days keeplock confinement with loss of all my privileges, she was not fair or impartial, she investigated into the matter and she pre-determined my guilt before she even saw me. At the hearing I was accused of refusing to cut my hair, I made her aware that my hairstyle was apart of my religious belief. my hair is in locks and cut on the sides, she went and found a imam at the facility and asked him how does N.O.I members wear there

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hair, he stated that he did not know because he was not N.O.I. the superintendent and the dep of security told her to call the imam. I showed her a federal case that states any religion could wear locks even N.O.I. I also made her aware of my culture which is Cherokee and Mohegan through my father's mother and I acknowledge my African roots and that my true religion is not serviced at this facility, which is universal science nunketer. I also made her aware that my hairstyle represents wisdom in my belief, and my hairstyle do not pose no risk to the safety, security or order of the facility. I called a witness to record my hairstyle, my witness testified that I had locks in my hair, my witness is civilian counselor who also happens to have locks, however in attempt to ruse the record dep Wendland asked my witness if she was a beautician, my witness answered no, dep Wendland called her witness who was the author Sgt Bey, he made the record aware that he was sent to speak to me by Captain Wesbe, which was illegal, because I had a Harassment grievance pending against Captain Wesbe and by directive he was not able to investigate into the matters I alleged, Sgt Bey gave me a misbehavior report and stated that my hair was in braids and locks, however he never stated that he gave me an order to take my hair out of braids and locks, and I was on keeplock. So he was just sent to assure that I stayed on keeplock, as retaliation for me writing grievances on Captain Wesbe. I was found guilty for wearing my hair in locks and braids

which was the time I only had my hair in locks. Dep Wendland found me guilty as retaliation for my use of grievance process. During keep lock confinement I was denied the right to clean my cell location, which is my toilet and sink, I couldn't sweep or mop, I had to wear dirty pants and shirts, because I couldn't do laundry, they wouldn't get no one to take my laundry, they took my pants, so I had to wear the same one pants everyday, I was subjected to freezing cold weather by it being big holes in the windows and no heat during zero degree weather, officers had to walk around with hats on, turtle necks, jackets with the lining in it and some had ear muffs. This cold happened for weeks. Lieutenant Simmons found me guilty of altered pants which is illegal Directive 3081 states that no inmate should receive a misbehavior report for altered or damaged clothes from the state. Lt Simmons found me guilty of this because of my grievance issues I was given 30 days confinement at that time I had to climb up the bars to get my food, I ended up ~~he~~ fallen, injuring my back, having to walk with a cane for 6 weeks, suffer migraine headaches and seizures. During confinement by DEP Wendland at a hearing where she gave me a penalty of 60 days confinement, I ended up getting sexually harassed on 2 occasions as well. On March 6, 2015 I was given a misbehavior report by Officer Cruz again while I was locked in my cell, I was told to take off my religious head gear, he then wrote me up for refusing to cut my hair. On March 20, 2015 I was found guilty of refusing direct order and unclean person. I was

found guilty of these charges by Lieutenant Simmons, on two occasions Lieutenant Simmons upheld my constitutional rights to practice my religion. However he already had it predetermined to find guilty because of my grievances against his supervisors and peers. On appeal the Dep of Security Russo is designated by Superintendent Lee, he Affirms the decision to violate me, ~~and after general~~ ~~finds to come investigate~~ everytime, this is a violation of my due process, I have now spent a total of 120 days under very bad conditions, which is atypical and significant hardship.

Palmer v Richards, 364 F.3d 60 (2d Cir 2004) cruel and unusual punishment Winston v Coughlin 789 F.Supp 118, 120-121; Orwat v Maloney 360 F.Supp 2d 146, 165 (D. Mass 2005); Hawkins v O'Leary 729 F.Supp 600, 602 (N.D. Ill 1990) Religious Land Use and Institutionalized Persons Act infringement on my religious practice. Benjamin v Coughlin 905 F.2d 571 (2d Cir. 1990); Swift v Lewis 901 F.2d 730 (9th Cir 1990)

on the 13th of March Lt Madison Directed Sgt VanDore to give me A misbehavior report for my religious hair style and ordered me not to wear my religious head gear. Officer Miller also tried to force me to cut my hair.

SIXTH CAUSE OF ACTION

I have been denied photocopies by E. Jennings and Diane Labatte for 5 months. I asked the Deputy of Programs who is in charge of making copies or rather overseeing the funds from copies and he also denied me. I have paperwork that I can't write over or because of migraine headaches the volume is overwhelming

I have missed 3 deadlines since I've been to this prison, and I have no access to the court or minimum to no access without copies. Dep of program calao failed to uphold my right to access the court, in order for me to bring this action in this court I have to ask the Clerk of the Northern District to make copies for me, or else I'm done. That's why I couldn't file a injunction yet or a TRO to stop the official from violating my right to practice my religion. E. Jennings, Dep calao and Diane Casatte is stopping me from filing legal papers. I am indigent and these officials refuse to advance me funds to make copies. Bounds v Smith, 430 U.S. 817 (1977,) this is a violation of my First, Fifth and Fourteenth amendment to the constitution.

7.

CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

SEVENTH

~~SIXTH~~ CAUSE OF ACTION

Plaintiff Being Harassed and confined to
cell under harsh conditions because
Plaintiff refused to cut his hair which
poses no safety security or hygiene
disorder Benjamin V Coughlin 905 F.2d 571 (2d Cir)

EIGHTH

~~SEVENTH~~ CAUSE OF ACTION

Double Jeopardy violation plaintiff was
found not guilty of refusing direct order
to cut his hair as his hair is a religious
symbol and officers gave plaintiff another
Misbehavior report for the same thing,

NINTH

~~EIGHTH~~ CAUSE OF ACTION

Religious Discrimination violation of
plaintiffs 14th Amendment to the Constitution.
Fourth Amendment violation, Harassment
discrimination, and retaliation, Frisk, strip
frisk and cell frisk and urine test used as
Harassment tools and retaliation for plaintiff
refusing to cut his hair due to religious
belief,

TENTH

~~CAUSE~~ CAUSE OF ACTION

cruel and unusual Punishment, First
Amendment violation to the U.S. Consti-
tution and Religious Land use and
Institutionalized Persons Act

ELEVENTH CAUSE OF ACTION

On February 12, 2015 Officer Cruz subjected me to a frisk that was unlawful and had no Penological interest as he escorted to the hearing office, where prison policy is that inmates are frisked by the officer inside the hearing office, before the hearing starts. Officer Cruz knew this and he still frisked me and in doing so he caressed my thigh, grinded his penis against my buttocks. After he pulled the back of my pants down, and groped my penis and testicles. On March 27 he subjected me to another unlawful search, he is not the escort officer for keep-lock recreation, while I was coming out of my cell with the escort officer on the lower landing officer Cruz demanded that I allow him frisk me I got on the wall he grabbed the back of my pants lifted my pants up into the crack of my buttocks groped my penis and testicles then he banged my head against the wall, this is cruel and unusual punishment.

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WHEREFORE PLAINTIFF REQUESTS THAT THE COURT GRANT
the following relief:

1, Lieutenant Madison, Monetary Damages, Compensatory Damages \$125,000, punitive Damages to be decided by Jury, Emotional Mental injury \$150,000 and injunction

2, OFFICER CRUZ, Monetary Damages, Compensatory Damages \$250,000, punitive Damages to be decided by Jury, Emotional Mental ^{PHYSICAL} injury \$650,000. and injunction

Captain Webb, Monetary damages, compensatory Damages \$125,000, punitive damages to be decided by Jury, Emotional injury mental injury \$50,000, injunction

3, Sgt Bey, Monetary damages, compensatory Damages \$75,000, punitive damages to be decided by Jury, Emotional and mental injury \$25,000. and injunction

4, OFFICER KOZAK, Monetary Damages, compensatory Damages \$15,000, punitive damages to be decided by Jury, Emotional and mental injury \$10,000 and injunction

5, Lieutenant Simmons, Monetary Damages \$125,000 in compensation, punitive damages to be decided by Jury, Emotional and Mental injury \$250,000 and injunction

6, Deputy Superintendant of Administration Wendland, compensatory Damages \$150,000, punitive Damages to be decided by Jury. Emotional and mental injury \$175,000 and injunction

- 7, Sergeant Connor, Monetary Damages, compensatory Damages \$50,000; punitive Damages to be decided by Jury, Emotional Mental injury \$75,000 and injunction
- 8, Deputy superintendant of security Russo, Monetary Damages, compensatory Damages \$50,000, punitive Damages to be decided by Jury, Emotional Mental injury \$75,000 and injunction
- 9, Captain webbe, Monetary Damages, compensatory Damages \$75,000, punitive Damages to be decided by Jury, Emotional Mental injury \$100,000 and injunction
- 10, Officer Waugh, Monetary Damages, compensatory Damages \$150,000, punitive damages, to be decided by Jury, Emotional Mental injury \$125,000 and injunction
- 11, Officer Miller, Monetary Damages, compensatory Damages \$5,000, punitive Damages to be decided by Jury, Emotional Mental injury \$15,000 and injunction
- 12, Deputy Superintendant of Programs Calao, Monetary Damages, compensatory Damages \$50,000 punitive Damages to be decided by Jury, Emotional Mental injury \$100,000 and injunction
- 13, E. Jennings Correction Steward, monetary Damages, compensatory Damages \$125,000 punitive Damages to be decided by Jury, Emotional Mental injury \$100,000 and injunction

- 14, Diane Labatte, Correction Steward, Monetary Damages, compensatory Damages \$125,000, Punitive Damages to be decided by Jury, Mental emotional injury \$100,000 and injunction
- 15, Governor Andrew Cuomo Monetary Damages, Punitive Damages, to be decided by Jury for Emotional, Mental and Physical Injury.
- 16, DOCCS Commissioner Anucci, Monetary Damages, Punitive Damages to be decided by Jury for Emotional, Mental and Physical injury, and injunction
- 17, Officer Henry Monetary Damages, compensatory Damages \$7,500, punitive Damages to be decided by Jury, Emotional Mental injury \$15,000
- 18, sergeant Liffield Monetary Damages, compensatory Damages \$7,500, punitive Damages to be decided by Jury, Emotional Mental injury \$15,000
- 19, Officer Schadel, Monetary Damages, compensatory Damages \$7,500, punitive Damages to be decided by Jury, Emotional Mental injury \$15,000
- 20 sergeant Bradley, Monetary Damages, compensatory Damages \$7,500, punitive Damages to be decided by Jury, Emotional Mental injury \$15,000

- 21, Officer Williamson, Monetary Damages, compensatory Damages \$250,000, punitive Damages to be decided by Jury, Emotional, Mental, and physical injury \$500,000. and injunction
- 22, Superintendent Lee Monetary Damages, compensatory Damages \$250,000, punitive Damages to be decided by Jury, Emotional, Mental and physical injury \$500,000 and injunction
- 23 Lieutenant Sullivan, Monetary Damages, compensatory Damages \$250,000, punitive Damages to be decided by Jury, Emotional, mental and physical injury \$125,000
- 24 Sergeant Vanacore, Monetary Damages, compensatory damages ~~\$500~~ \$75,000, punitive damages to be decided by Jury, Emotional, mental injury and physical injury, \$125,000
- 25 Sergeant Barg, Monetary Damages, compensatory Damages \$75,000, punitive damages to be decided by Jury, Emotional Mental injury and physical injury \$125,000